

ORDINANCE NO. 3205

AN ORDINANCE AMENDING SECTION 1333.02(i) PROVISIONS
OF SECTION H-105.0 OF BOCA HOUSING CODE AND
SECTION 1333.04(a) BOARD OF APPEALS.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CRESTLINE, OHIO:

SECTION 1. That Section 1333.02(i) of the Codified Ordinances of this
Village which reads as follows:

- (i) Advise the owner, occupant or person in charge that the order may be appealed under the provisions of Section H-105.0 BOCA Housing Code heretofore adopted by the Municipality and as the same may be hereafter adopted or amended, and, if the inspection, notice and order have been made and issued by the Fire- Department; that such owner, occupant or person in charge may also appeal the order pursuant to the provisions of Ohio R.C. 3737.20 et seq.

Is hereby repealed and enacted in its place is a new Section 1333.02(i)
which reads as follows:

- (i) Advise the owner, occupant or person in charge that the order may be appealed under the provisions of Section 110.1 of the 2013 Residential Code of Ohio heretofore adopted by the Municipality and as the same may be hereafter adopted or amended, and, if the inspection, notice and order have been made and issued by the Fire- Department; that such owner, occupant or person in charge may also appeal the order pursuant to the provisions of Ohio R.C. 3737.20 et seq.

SECTION 2. That Section 1333.04(a) of the Codified Ordinances of this
Village which reads as follows:

1333.04 BOARD OF APPEALS.

- (a) The Board of Appeals established by the BOCA Basic Housing Code shall have jurisdiction to hear any appeal under this chapter and any owner, person in charge or occupant of a building, other structure or premises aggrieved by an order issued pursuant to the provisions of this section, may notwithstanding other rights of appeal provided by law, appeal such order to such Board of Appeals by filing a notice of appeal within ten days of the service

of the order upon him, with the Building Department. The Department shall transmit the file relating to the order to the Board of Appeals, which order shall be defended by the Department which conducted the inspection and issued the order. The Department shall serve written notice, by personal service or by registered or certified mail, upon the appellant of the time, place and date of the hearing upon appeal. The Board of Appeals shall proceed to hear the appeal at any regular or special meeting of the Board within thirty days after notice of appeal has been filed by the appellant, providing that notice of the date of hearing shall be served upon the appellant not less than five days prior to the time such hearing is commenced. Provided further that the Department shall have authority to grant one continuance of the date of hearing, upon application of the appellant, for good cause shown, which continuance shall not exceed twenty days. Failure of the appellant to appear at the time and place set for the hearing shall be deemed to be a withdrawal of the appeal and the Board shall affirm the order of the Bureau.

Is hereby repealed and enacted in its place is a new Section 1333.04(a) which reads as follows:

1333.04(a) Zoning Appeals Board

Intent: Zoning Appeals Board is hereby established to assist in the administration of this Code, particularly to decide and interpret provisions which require impartial adjustments of conflicting interests and to grant variances from the strict letter of the Code in instances of unnecessary hardship.

Such a Board is herein established to achieve, among others, the following purposes:

- (1) to provide a method for alleviating unnecessary hardship by allowing a reasonable use for individual parcels of property which, because of unusual or unique circumstances, may be denied a reasonable use by a literal application of the terms of the Code;
- (2) to review or appeal any order, requirement, decision or determination made by the Building Department;
- (3) to provide an administrative board, independent from all other municipal boards or commissions, to act only pursuant to and in accordance with the standards established by the legislative body to hear and decide appeals which are to be tried over again from the beginning, (de novo); and
- (4) that decisions and the granting of variances will sustain the constitutionality of the Code and to be in compliance with the objectives of the Comprehensive Plan.

SECTION 3. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

DATE: _____

Aye _____ Nay _____ Abstain _____

Barry Byerly, Mayor

Attest:

Annette Johnston, Clerk of Council

Approved as to form:

Jon K. Burton, Law Director